MASTER AND SERVANT—RELATION OF EMPLOYER AND EMPLOYEE.—Defendant was the owner of an office building and operated an elevator for the benefit of the occupants and the public generally. Plaintiff's intestate, a stenographer in the employ of the defendant company, whose offices were on the fourth floor, was killed while riding to work on the elevator, through the negligence of the operator. *Held,* that plaintiff's intestate was a passenger at the time of the accident and the defendant owed her the same duty as a stranger rightfully using the elevator. *Putnam* v. *Pacific Monthly Co.* (Ore. 1913), 136 Pac. 835.

The precise question as to the relation existing between an elevator owner and an office employee, invited to ride to work, has been of infrequent occurrence. In *McDonough* v. *Lanpher,* 55 Minn. 501, it was held that employees permitted to ride in their employer's elevator to and from their places of work are still employees while so riding, and not passengers. See note to *McDonough* v. *Lanpher* in 43 Am. St. Rep. 541; *Wise* v. *Ackerman,* 76 Md. 375; *Gilshannon* v. *Stony Brook R. R. Co.,* 10 Cush. 228; *Russell* v. *Hudson River R. R. Co.,* 17 N. Y. 134; *Walsh* v. *Cullen,* 235 Ill. 91. The principal case seems to be supported, in theory at least, by *Thompson* v. *Northern Hotel Co.,* 256 Ill. 77 (which ignores the reasoning of the same court in *Walsh* v. *Cullen,* supra.); *Gillenwater* v. *Madison etc. R. R. Co.,* 5 Ind. 339; *State* v. *Western Md. R. R. Co.,* 63 Md. 433. The prevailing opinion apparently was based on the fact that the plaintiff was riding on the elevator before the time set for the commencement of her daily work. This distinction was vigorously assailed in a dissenting opinion, in which two of the judges concurred, and which seems to be the result of more logical reasoning.

PUBLIC OFFICERS—REMOVAL FOR MISCONDUCT OCCURRING PRIOR TO RESIGNATION AND RE-ELECTION.—When proceedings were about to be commenced for the removal of a mayor for alleged intoxication he immediately resigned, whereupon the city council re-elected him to fill the vacancy so caused. After he had been duly installed under the new election, an action was begun to oust him on account of the misconduct occurring prior to his resignation. *Held,* such resignation and re-election were no defence to the subsequent proceedings. *State ex rel. Cosson* v. *Baughn* (Iowa 1913), 143 N. W. 1100.

Search has failed to disclose very many cases upon this particular situation, and such authorities as are to be found are in hopeless conflict. It is believed, however, that the tendency of the courts in the later cases is in accord with the principal case. In *People* v. *Ahearn,* 196 N. Y. 221, 26 L. R. A. (N. S.) 1153, it was held by a divided court that one removed from a municipal office under statutory authority, for misconduct, is not eligible for re-election for the remainder of the term. See to the same point *State* v. *Dart,* 57 Minn. 261, wherein it is said that "Such removal proceedings are not merely for the purpose of ousting the person holding the office; they include a charge that he has forfeited his qualifications for the office for the remainder of the term." In *State of Kansas* v. *Rose,* 74 Kans. 260, 6 L. R. A. (N. S.) 843 the same rule was applied, although the re-election was made by the electors of the city themselves, at a special election. Some courts